

88

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

KIM FRACHEY, NANCY MALONEY,
SOCORRO NIETO, CHAD FLOLO,
NATALIE FLOLO, CHARLES
AMANING, and FOX VALLEY
FAMILIES AGAINST PLANNED
PARENTHOOD, an Unincorporated
Association,

Plaintiffs,

v.

PLANNED PARENTHOOD/CHICAGO
AREA, an Illinois Not-for-Profit
Corporation, STEVEN TROMBLEY,
GEMINI OFFICE DEVELOPMENT, LLC,
An Illinois Limited Liability Corporation,
21ST CENTURY OFFICE
DEVELOPMENT, LLC, an Illinois Limited
Liability Corporation, CITY OF AURORA,
A Home-Rule Municipal Corporation,
ZONING BOARD OF APPEALS FOR
THE CITY OF AURORA, ED SIEBEN,
THOMAS WEISNER,
HERMAN BENEKE,
PLANNING & DEVELOPMENT
COMMITTEE OF THE CITY OF
AURORA, PLANNING COMMISSION
OF THE CITY OF AURORA, and
BUILDING CODE BOARD OF APPEALS
OF AURORA,

Defendants.

Case No. 08 C 1148

U.S. District Judge Norgle

Magistrate Judge Denlow

JURY DEMANDED

**AGREED ORDER FOR STAY OF PLAINTIFFS' FEDERAL CLAIMS AND REMAND
OF STATE CLAIMS TO CIRCUIT COURT FOR THE EIGHTEENTH JUDICIAL
CIRCUIT, DU PAGE COUNTY, ILLINOIS**

Plaintiffs having moved that this court stay consideration of the federal claims they
asserted in their complaint for administrative review and other relief (claims currently pled as

Counts III and VI under 42 U.S.C. § 1983 and because of which this case was removed by defendant City of Aurora), and that it remand claims asserted under state and local law (currently pled as Counts I, II, IV, V, VII, VIII, IX) to the 18th Judicial Circuit Court in Wheaton, DuPage County, Illinois, and counsel for all parties having expressed their agreement in open court before Magistrate Judge Denlow that an Agreed Order be entered, providing for such a stay and remand;

By agreement, it is hereby ORDERED as follows:

1. This Court stays its consideration of the federal claims that plaintiffs have asserted (currently pled as Counts III and VI under 42 U.S.C. § 1983 and because of which this case was removed by defendant City of Aurora) until such time as the state and local claims in this case are finally resolved and either plaintiffs or any one of the defendants advises this Court to that effect and asks this Court to proceed to adjudicate said federal claims;

2. This case is remanded to the 18th Judicial Circuit Court in Wheaton, DuPage County, Illinois, for all further proceedings on plaintiffs' claims under state and local law (currently pled as Counts I, II, IV, V, VII, VIII, IX); and

3. The motion to dismiss filed by defendant City of Aurora is hereby stayed until such time as the state and local claims in this case are finally resolved.

6/13/08

ENTER:

Charles R. Norgle
Hon. Charles R. Norgle, U.S. District Judge

Approved:

Thomas Brejcha

Peter Breen

Thomas More Society,

A public interest law firm

29 South LaSalle St., Suite 440

Chicago, Illinois 60603

Tel. 312-782-1680

Fax 312-782-1887

brejcha@aol.com

pbreen@thomasmoresociety.org



Attorneys for plaintiffs

Lance C. Malina

Allen Wall

Klein, Thorpe and Jenkins, Ltd.

20 North Wacker Drive, Suite 1660

Chicago, Illinois 60602

Tel. 312-984-6400

Fax 312-984-6444

jawall@ktinet.com

lcmalina@ktinet.com

*Attorneys for City of Aurora and
Other municipal defendants*

Peter K. Wilson

Dean M Frieders

Gary Knight Mickey

Steven A. Andersson

Mickey, Wilson, Weiler, Renzi & Andersson, PC

2111 Plum Street, Suite 201

Aurora, Illinois 60507-0787

Tel. 630-801-9699

Fax 630-801-9715

pkw@mickeywilson.com

dmf@mickeywilson.com

gkm@mickeywilson.com

saa@mickeywilson.com

*Attorneys for Aurora Zoning
Board of Appeals*

Mr. Christopher B. Wilson
Perkins Coie LLP
131 South Dearborn Street, Suite 1700
Chicago, Illinois 60603-5559
Tel. 312-324-8603
Fax 312-324-9603
cwilson@perkinscoie.com

*Attorney for Planned Parenthood and
Related defendants*